



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 4777.5 • Olympia, Washington 98504-7775 • (360)407-6300

June 28, 2005

**REGISTERED MAIL**  
**RB 253 008 372 US**

Mr. Derik Vowels  
Port of Vancouver  
3103 NW Lower River Road  
Vancouver, WA 98660

RE: Ecology Water Quality Certification Order #2550 (Corps Reference #200500141)  
Berth 5 dolphin replacement; berth 4 dock improvement, fender pile replacement at Terminal  
2/Berth 1 and Terminal 1/Berth 1, Columbia River, Clark County, Washington

Dear Mr. Vowels:

The public notice issued by U.S. Army Corps of Engineers on March 15, 2005, for proposed work in and near the Columbia River, Clark County, has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for Department of Army permit, and Corps public notice complies with applicable provisions of Section 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

- This certification concurrence is subject to the conditions contained in the enclosed order.

If you have any questions please contact Lori Ochoa at 360 407-6926 or e-mail her at [LOCH461@ecy.wa.gov](mailto:LOCH461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in dark ink, appearing to read "Perry J Lund", with a large, sweeping flourish extending to the right.

Perry J Lund  
Unit Supervisor  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

PJL:JS:dn  
Enclosure

cc: US Army Corps of Engineers, ATTN: CENWP-OP-GP (Mr. John W. Barco)

**IN THE MATTER OF GRANTING  
A WATER QUALITY  
CERTIFICATION TO  
PORT OF VANCOUVER** )  
in accordance with 33 U.S.C. 1341 )  
FWPCA § 401, RCW 90.48.120 )  
RCW 90.48.260 and WAC 173-201A )

**ORDER 2550**

(U.S. Army Corps of Engineers  
Reference No. 20050014.1)  
Berth 5 dolphin replacement; Berth 4  
dock improvement, general fender  
pile replacement at Terminal 2/Berth  
1 and Terminal 1/Berth 1

TO: Port of Vancouver  
3103 NW Lower River Road  
Vancouver, WA 98660

ATTN: Derik Vowels:

On March 15, 2005 a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project involves various in-water activities to upgrade existing infrastructure including:

- Berth 5 Dolphin Replacement consisting of removal an existing steel H-pile mooring dolphin and replacing it with a steel pipe mooring/breasting dolphin, pouring a concrete deck in-place and filling 4 steel fender piles with concrete
- Berth 4 Dock Improvement including removal of treated and untreated wood piles and replacing them with 11 steel 24-inch diameter piles
- Fender Pile replacement at Terminal 2/Berth 1, at the upstream dolphin at Berth 1, and at Terminal 1

The site is located at Terminal 2 in the Port of Vancouver at 3103 NW Lower River Road, Vancouver, WA.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301,302,303,306, and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; and,
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

## **WATER QUALITY CERTIFICATION CONDITIONS:**

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW and Chapter 173-201A WAC, certification is granted to the Port (applicant) subject to the following conditions:

### **A. No Further Impairment of Existing Water Quality**

- A1. This segment of the Columbia River (WRIA#28, Segment WA-CR-1010) is a Class A water of the state. Certification of this proposal does not authorize the applicant to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology.
- A2. This segment of the Columbia River has been identified on the current 303(d) list of impaired water bodies for exceeding water quality standards for temperature. This proposed project shall not result in further exceedances of those standards, and will be out of compliance with this certification if discharges from the project exceed limits for those contaminants identified in 173-201A-030(2) WAC and/or 173-201A-040 WAC.
- A3. Certification of this project does not authorize the applicant to exceed the special water quality standards for the Columbia River as specified in WAC 173-201A-130(20) (1997 version) (specified at D2a and D2b below).
- A4. Certification of this project does not authorize the applicant to exceed turbidity standard for Class A waters (specified at D2c below) beyond the mixing zone (described at A5 below).
- A5. Mixing Zone: Consistent with WAC 173-201A-100(7) and 0110(3) a mixing zone is established within which the turbidity standards is waived. The mixing zone is established to allow only temporary exceedances of the turbidity criteria during and immediately after project construction. For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred (300) feet downstream of activity causing the turbidity exceedance.

### **B. Construction Conditions:**

- B1. Work in or near waters of the state shall be done so that it minimizes turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control best management practices suitable to prevent exceedances of state water quality standards shall be in place before starting work at the impact sites.
- B2. No existing shoreline material (i.e., logs, rocks, gravel cobbles, woody debris or other bed material) shall be relocated or used as bulkhead armor, as fill, or for any

other purpose **except** that bed material located exactly where the new pilings and footings are to be placed may be relocated.

- B3. Uncured concrete and concrete by-products shall be completely sealed off from the ordinary high water mark (OHWM) and wetted perimeter of the Columbia River, totally contained using sealed forms or other leak-proof containment systems, and not allowed to contaminate or enter the OHWM or wetted perimeter of the Columbia River.
- B4. All construction debris shall be properly disposed of upland so that it cannot enter a waterway or wetland or cause water quality degradation to state waters.
- B5. Wash water containing oils, grease, or other hazardous material resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- B6. Any wooden pier components, piling, pier support, and other materials composed of pressure treated wood shall be professionally and commercially produced and chemically fixed in accordance with all current best management practices as contained in the Western Wood Preservers Institute's latest edition of "The Best Management Practices for the Use of Treated Wood in Aquatic Environments."
- B7. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish or shell fish shall be applied to the pier system once it has been placed within or over the OHWM of the Columbia River.
- B8. The Port shall provide written notice to Ecology's Southwest Regional Office Federal Permit Coordinator at least 14 days prior to the starting work in waters of the state, and within 14 days after completion of construction at each project site.

**Emergency/Contingency Measures:**

- C1. In the event the Port is unable to comply with any of the permit terms and conditions due to any cause, the Port shall:
  - Cl a. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
  - Cl b. Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-hour spill response team at (360) 407-6300, and within 24 hours to Ecology's Southwest Regional Office Permit Coordinator at (360) 407-6926.
  - Cl c. Submit a written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Port from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- C2. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
- C3. Toxic conditions resulting in distressed or dying fish (including dissolved oxygen levels below 8.0 mg/L) are not allowed. If these conditions exist, construction shall cease immediately and the applicant or the contractor shall notify Ecology per C1b.
- C4. Construction monitoring shall be conducted as described at D below. If water quality exceedances are observed outside the mixing zone, in-water work shall cease immediately and the applicant or the contractor shall notify Ecology per C1b.
- C5. A full-time Pollution Control inspector shall be on-site at all times while construction activities are occurring that need monitoring or involve working in environmentally sensitive areas and on-call and readily accessible to the site during all other periods of construction activity.

**D. Water Quality Monitoring and Reporting Conditions:**

- D1. The Port shall submit a Water Quality Monitoring and Protection Plan (WQMP Plan) to the Federal Permit Coordinator at least 20 days prior to beginning construction for review and approval. Activities that are required to be monitored are not authorized to be conducted until approval is received.
- D2. The WQMP Plan shall include the name(s) and phone number(s) of the Pollution Control inspector, as required in C5, and the person responsible for onsite monitoring and reporting.
- D3. The WQMP Plan shall include a map with numbered or named sampling locations associated with the in-water activities.
  - D3a. The map shall identify 1 sample locations 300 feet downstream from the activities identified in D5a, D5b, and D5c below. Two additional sample locations shall be identified for concrete pouring; one at the site of the activity and one intermediate between the site and 300 feet downstream.
  - D3b. The map shall establish two background sample location one upstream and one more than 300 feet downstream of the site of the activity. Background samples shall be taken daily prior to the onset of concrete pouring, pile removal and pile driving activities.
- D4. The Plan shall also include a description of the Best Management Practices that will be used on the project to protect water quality, including a description of procedures for concrete pouring, pile removal and pile driving activities.

- D5. The following in-water activities shall be monitored as described below:
- D5a. Concrete pouring shall be monitored every 2 hours during the pour for pH, turbidity, temperature and dissolved oxygen using standard in-water monitoring methods. In addition, pH shall to be monitored every 2 hours for at least 24 hours after the pour at which time monitoring may be discontinued if pH has returned to background levels. If there is a noticeable turbidity plume near the compliance point between sample periods, a sample for all parameters shall be taken at that time.
  - D5b. Pile removal shall be monitored every 2 hours for turbidity and dissolved oxygen using standard in-water monitoring methods for the duration of the activity. If there is a noticeable turbidity plume near the compliance point between sample periods, a sample shall be taken at that time.
  - D5c. Pile driving shall be continuously visually monitored for turbidity for duration of activity. If a visual turbidity plume exists at the pile driving site, water samples shall be taken at least every 2 hours 300 feet downstream until the turbidity plume is no longer present.
  - D5d. All in water activities shall be continuously visually monitored for a visible sheen from oil or grease.
- D6. Temperature, dissolved oxygen, turbidity and pH shall comply with the following standards:
- D6a. Temperature shall not exceed 20.0°C due to human activities. When natural conditions exceed 20.0°C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C; nor shall such temperature increases, at any time, exceed 0.3°C due to any single source or 1.1°C due to all such activities combined.
  - D6b. Dissolved oxygen shall exceed 90 percent of saturation.
  - D6c. Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
  - D6d. pH shall be within a range of 6.5 and 8.5, with a human caused variation within this range of less than 0.5 units.
- D7. Monitoring results shall be documented on a form that includes the date, time, activity being monitored, parameters being monitored, location of monitoring points, person conducting monitoring activity, data collected, and any notes or comments.
- D8. If the results of the monitoring show that the water quality standards are not being met, the Port shall modify or stop the activity causing the problem and commence hourly monitoring until standards are met for 2 continuous sample periods.

- D9. Mitigation may be required if water quality standards or performance standards are not met.
- D10. Any changes to the monitoring plan requirements must be approved in writing by Ecology.
- D11. Monitoring reports and data sheets shall be submitted to Federal Permit Coordinator, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775 weekly during construction.

**E. General Conditions:**

- E1. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
- E2. This certification does not exempt and is conditioned upon compliance with other statutes and codes administered by federal, state, and local agencies.
- E3. The Port shall construct and operate the project in a manner consistent with the project description contained in the Public Notice for Permit Application, or as otherwise approved by Ecology.
- E4. The Port shall reapply with an updated application for certification if five years elapse between the date of the issuance of this Order and the beginning of construction and/or discharge for which the federal license or permit is being sought.
- E5. The Port shall reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- E6. The Port shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- E7. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Port, and state agency personnel.
- E8. The Port shall ensure that all appropriate supervisors and contractors at the project site and mitigation sites have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Port shall provide to Ecology a signed statement from each supervisor and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to


Ecology no less than 7 days before construction begins at the project or mitigation sites. The Port shall also provide a similar signed statement to Ecology from each new supervisor or contractor hired or assigned after the project begins within 30 days of hiring.

- E9. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.
- E10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
- E11. Liability: Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

**Appeal Process:**

Any person aggrieved by Order #1738 may obtain review thereof by appeal. Pursuant to Ch. 43.21B RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 29/July/2005 at Lacey, Washington

  
\_\_\_\_\_  
Perry J Lund, Unit Supervisor  
Shorelands and Environmental Assistance Program  
Department of Ecology – Southwest Regional Office